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REMARKS AND EXTRACTS,

In reply to MR. PICKERING'S LETTER, on the subject of the

EMBARGO.

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Bishop, Abraham B. A. Dwyer.

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E present to the reader the letter, together with our reply, because we wish him to examine both sides of this very interesting subject.

The body of our people are doubtless honest : they wish for truth, and truth only. Unfortunately for them, the leaders of parties are apt to be too warm in their political discussions, and to substitute personalities in place of fact and reason.—In these pages nothing of the kind shall be found.

The embargo is, to all classes of our people, a distressing measure. War is still more distressing ; but if to the distresses, inseparable from the embargo, is to be added the painful persuasion that it was adopted as a *war* measure, that it was forced upon us by the secret mandates of the French Emperor ; if our President and Congress have wantonly sacrificed our independence, then is our situation most deplorable ; if our country is betrayed, it is our duty to assert our rights by the means which Providence has left in our power.

Before you decide on these important points, permit us to examine, 1st. what was the situation of the United States in respect to France and Great Britain at the time of passing the embargo act—2d. to enquire what the President has done or omitted to do, which his high station and the importance of the subject required.

The first French decree, affecting *deeply* the rights of neutrals was passed May 9, 1793, rendering liable to capture the *property of their enemies* on board of neutral vessels. Previous to this, on the 25th of March, in the same year, a convention between his Britannic Majesty and the Empress of Russia was signed in London, from which we copy the third and fourth articles.

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ART. III. Their said majesties reciprocally engage, to shut *all their ports* against French ships; not to permit the exportation, in any case, from their said ports for France, of any military or naval stores, or corn, grain, or salt meat, or other provisions: and to take all measures in their power for injuring the commerce of France, and for bringing her, by such means, to just conditions of peace.

ART. IV. Their majesties engage to *unite all their efforts to prevent other powers, not implicated in this war*, from giving, on this occasion of common concern to every civilized state, any protection whatever, directly or indirectly, in consequence of *their neutrality*, to the commerce or property of the French, on the sea, or in the ports of France.

But in the year 1792, the French Convention had declared all France in a state of siege, and in referring further back we find the British order of November 6, 1789, to stop and detain all ships laden with produce of any colony, belonging to France or conveying provisions or other supplies for the use of such colony.

Writers have disagreed on the question, which nation first began the violation of neutral rights. To us it is extremely immaterial, since we know that under color of these decrees and occasional blockading orders, we have suffered from each nation severe spoliation and ruinous detentions of our property. These have formed subjects of complaint from our merchants to our government and of remonstrances, on the part of our government, at the courts of Paris and London.

After the Emperor of France had nearly annihilated the independence of the allies of Britain on the continent, and broken down the neutrality of the nations, which had kept aloof from the contest, he issued his famous Imperial Decree of Nov. 21, 1806, declaring the British isles in a state of siege. This produced retaliating decrees on the part of Britain and countervailing decrees on the part of the French, till at length no commerce could with any safety be carried on from this country to any part of Europe.

It does not appear that hostility to the United States produced any of the foregoing decrees: they were produced by the furious and increasing hostility of the two nations, each jealous, lest assistance should be afforded to the other, both engaged in the unprofitable contest, "which should do the other the greatest harm."

Wholly distinct from all this was the great dispute between Britain and us, *whether Britain had a right to search American vessels for British seamen or subjects and to take them from such vessels by force.* In the midst of European convulsions and occasional losses under their former decrees, we were still profiting by their sufferings and gaining wealth by the carrying trade, but the high claim of Britain to search our vessels for men was a violation of our sovereignty, an exposure of the liberties of our native citizens and a consequent hazard of our neutrality, which neither policy nor justice required us to endure.—Men of all parties in our country protested against the claim of Britain. Our government made it a distinct article of negotiation, and ON THE 5th OF JANUARY 1804, Mr. Madison, our Secretary of State addressed to Mr. Monroe, our minister at London, an official letter, from which the following is a literal extract.

“ We consider a neutral flag on the high seas as a safeguard to those sailing under it. G. Britain on the contrary, asserts a right to search for, and seize her own subjects ; and under that cover, as cannot but happen, are often seized and taken off, citizens of the United States, and citizens or subjects of other neutral countries, navigating the high seas, under the protection of the American flag.

“ Were the right of G. Britain, in this, not denied, the abuses flowing from it would justify the United States in claiming and expecting a discontinuance of its exercise. But the right is denied, and on the best grounds.

“ Although G. Britain has not yet adopted, in the same latitude with most other nations, the immunities of a neutral flag, she will not deny the general freedom of the high seas, and of neutral vessels navigating them, with such exceptions only as are annexed to it by the law of nations.—She must produce then such an exception in the law of nations, in favor of the rights she contends for. But in what written and received authority will she find it ? In what usage except her own will it be found ? She will find in both that a neutral vessel does not protect certain objects denominated contraband of war, including enemies serving in the war, nor articles going to a blockaded port, nor as she has maintained, and as we have not contested, enemies property of any kind. But no where will she find an exception to this freedom of the seas, and of neutral flags, which justifies the taking away of any person, not an enemy in military service, found on board a neutral vessel.

“ If the subjects of one sovereign may be taken from the vessels of another, on the high seas, the right of taking them when found, implies the right of searching for them, a vexation of commerce, especially in the time of peace, which has not yet been attempted, and which for that as well as other reasons, may be regarded as contradicting the principle from which it would flow.

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“ Taking reason and justice for the tests of this practice, it is peculiarly indefensible—because it deprives the dearest rights of a regular trial to which the most inconsiderable article of property captured on the high seas, is entitled ; and leaves their destiny to the will of an officer, sometimes cruel, often ignorant, and generally interested, by his want of mariners, in his own decisions. Whenever property found in a neutral vessel is supposed to be liable on any grounds to capture and condemnation, the rule in all cases is that the question shall not be decided by the captor, but be carried before a legal tribunal, where a regular trial may be had, and where the captor himself is liable to damages, for such abuse of his power. Can it be reasonable, then, or just, that a belligerent commander, who is thus restricted, and thus in a case of mere property of trivial amount, should be permitted, without recurring to any tribunal whatever, to examine the crew of a neutral vessel to decide the important question of their respective allegiances, and to carry that decision into instant execution, by forcing every individual he may chuse, into a service abhorrent to his feelings, cutting him off from his most tender connections, exposing his mind and his person to the most humiliating discipline, and his life itself to the greatest dangers ? Reason, justice and humanity unite in protesting against so extravagant a proceeding. *And what is the pretext for it ? It is that the similarity of language and features between American citizens and British subjects are such as not easily to be distinguished, and that without this arbitrary and summary authority to make the distinction, British subjects would escape, under the name of American citizens from the duty which they owe to their sovereign.* Is then the difficulty of distinguishing a mariner of one country from the mariner of the other, and the importance of his services, a good plea for referring the question whether he belongs to the one or the other, to any arbitrary decision on the spot, by an interested and irresponsible officer ? In all other cases the difficulty and the importance of questions are considered as reasons for requiring greater care and formality in investigating them. To say that precautions of this sort are incompatible with the object is to admit the object is unjustifiable ; since the only means by which it can be pursued are such as cannot be justified.

The evil takes a deeper die, when viewed in its practice as well as its principles. *Were it allowable that British subjects should be taken out of American vessels on the high seas, it might at least be required that the proof of their allegiance should lie on the British side. This obvious and just rule is however, reversed ; and every seaman on board, though going from an American port, and sailing under an American flag, and sometimes even speaking an idiom, proving him not to be a British subject, is presumed to be such, unless shewn to be an American citizen. It may safely be affirmed that this is an outrage which has no precedent, and which Great-Britain would be among the last nations in the world to suffer, if offered on her own subjects and her own flag.* Nor is it always against the right presumption alone, which is in favor of the citizenship corresponding with the flag, that the violence was committed. Not unfrequently it takes place in defiance of the most positive proof certified in due form by an American officer. Let it not be said, that in granting to American seamen this protection to their rights as such, the point is yielded, that the proof lies on the American side. and

that the want of it in the prescribed form justifies the inference that the seamen are not of American allegiance. *It is distinctly to be understood, that the certificate, usually called a protection to American seamen, is not meant to protect them under their own or even under any other neutral flag on the high seas.* We can never admit, that in such a situation, any other protection is required for them, than the neutral flag itself on the high seas.

“Whether, we consult the law of nations, or the dictates of justice, no pretext can be found for the British practice of making impressments from American vessels on the high seas.

Great Britain has the less to say in excuse for this practice, as it is in direct contradiction to the principles, on which she proceeds in other cases, whilst she claims and seizes on the high seas, her own subjects, voluntarily serving in American vessels, she has constantly given, when she could give, as reason for not discharging from her service American citizens, that they had voluntarily engaged in it. Nay more, whilst she impresses her own subjects from the American service, although they may have been settled and married and *naturalized* in the United States, she constantly refuses to release from hers, American seamen *impressed* into it, whenever she can give for a reason, that they were either settled or married within her dominions. Thus, when the voluntary consent of the individual favors her pretensions, she pleads the validity of that consent. When the voluntary consent of the individuals stands in the way of her pretensions, *it goes for nothing!* When marriage or residence can be pleaded in her favor, she avails herself of the plea. When marriage, residence and naturalization are against her, no respect whatever is paid to either! She takes, by force, her own subjects voluntarily serving in our vessels.—She keeps by force American citizens involuntarily serving in hers. More flagrant inconsistencies cannot be imagined.”

This claim of Britain, thus repelled and denied by us, was still enforced by her in every sea; even in the entrance of our own harbors our vessels were brought to by British guns, and such men taken out, as in the opinion of the boarding officer, belonged to his royal master. JOHN PIERCE, an American citizen, was killed, the British officer tried in his own country and acquitted. Under the orders of Admiral Berkley the frigate *Cheapeake* was attacked and overpowered, several men killed and wounded and four men taken out of her by force. Proof that three of these were native Americans has been officially published by our government.

On this occasion there was, from end to end of the union, one sentiment of indignation. Both parties united in assurances to support the government in demanding INDEMNITY FOR THE PAST AND SECURITY FOR THE FUTURE. The spirit of 1776 appeared for a time to be revived, and

in that day no one thought of a cold apology for that single act, while a right to repeat the outrage should be insisted on.

Dr. Bullus was sent to England, and our ministers were charged with a demand for satisfaction of the outrage on the Chesapeake, *which could not be made by Britain without her relinquishment of the assumed right of search, from which the outrage had proceeded.* The reply came in the form of a proclamation, in which the king of Great Britain calls on all his seamen in foreign countries to return into his service, disavows our naturalization law, which was made in conformity to our constitution, and he especially insists on the search of our merchant vessels for his seamen.

We are not in the habit of believing that men may not expatriate themselves ; but England may insist on the perpetual allegiance of all her native subjects and may enforce the claim wherever she can do it without violence to other nations. We make no distinction between armed vessels and merchant vessels ; whatever rightfully bears the flag of the United States bears the emblem of their sovereignty and is entitled to their protection. Britain has doubtless many subjects in our cities and towns, may she enter these and seize them by force ? May she enter our harbors and seize on her men ? Either of these modes would be as justifiable and less hurtful to us than to seize them on board a merchant vessel at sea, where their services may be necessary to the preservation of the vessel, cargo and lives of the remaining seamen.

If a British lieutenant or midshipman may board one of our merchant vessels and decide that one man is a British subject, he may decide that all are such ; at his nod ten or twenty American seamen may be doomed to servitude for life in the British navy. The extent, to which this wrong has been or may be carried, is of little moment, compared with our acquiescence in such a tribunal to decide on the fate of our voyages and the liberties of our sons.

The right of Britain to her own seamen creates no right to search our vessels for such seamen, and if she will

communication, yet the different channels of promulgation through which the public are possessed of it, with the formal testimony furnished by the government of Spain in their decree, leaves us without a doubt that such a one has been issued.

These decrees and orders taken together want little of amounting to a declaration that every neutral vessel found on the high seas, whatsoever be her cargo, and whatsoever foreign port be that of her departure or destination, shall be deemed lawful prize ; and they prove more and more the expediency of retaining our vessels, our SEAMEN, and our property within our own harbors, until the dangers to which they are exposed can be removed or lessened.

TH: JEFFERSON.

March 17, 1808.

The President has communicated, at each time, all the documents in his possession, relative to this important subject. He has indeed requested some to be returned without publication. In proof that some papers may be correctly "locked up in the executive cabinet" we present you the following high authority.

On the 24th of March 1796, while Mr. Pickering was Secretary of State, the House of Representatives passed a resolution, calling on President WASHINGTON for certain papers, relative to the British treaty. The President declined furnishing the papers, saying "the nature of foreign negotiations requires caution, and their success must often depend on *secrecy*, and even when brought to a conclusion, a full disclosure of all the measures, demands or eventual concessions, which may have been proposed or contemplated, would be extremely impolitic; for this might have a pernicious influence on future negotiations or produce inconveniences, perhaps danger and mischief in relation to other powers."

Opposed to the resolution in the above case were *James Hillhouse, Chauncy Goodrich, Roger Griswold, Nathaniel Smith, Zephaniah Swift, Uriah Tracy* and others.

A resolution of the present House of Representatives to call on the President for official dispatches from France has been negatived : we trust that those, who were in the negative in both instances, voted correctly.

Ordinarily a call for papers in such cases proceeds from hostility to the President or his measures. It usually implies a want of confidence in him, a suspicion that he has omitted his duty.

The remark of President Washington respecting the *caution and secrecy*, required by the nature of foreign negotiations, applies with great force at this time. In his case *the treaty was ratified*: but now we have *pending* negotiations of great moment with the two principal powers of Europe, each of which has a minister at our court, watching with jealousy our least departure from neutrality.

If the precedent is to be established, that resolutions to call for dispatches shall be passed, such resolutions will be offered immediately after every receipt of dispatches, and if the President shall deem it his duty to refuse them, every construction, unfavorable to him and to our foreign relations, will be adopted.

The constitution has provided, that the President shall "from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures AS HE SHALL JUDGE NECESSARY AND EXPEDIENT.—The President has recommended the measure of an embargo and has accompanied his recommendation with *every document then in his possession*; which his station, his duty and the importance of the subject required.

Having exhibited the grounds of our controversy with England, the reasons of the embargo and the President's agency in that measure, we advance to a brief review of Mr. Pickering's letter.

The federal papers, recommending this letter to the public, tell us that Mr. Pickering was an officer in our revolutionary army, a Secretary of State under the two former Presidents and is now a Senator in Congress. For himself "he defies the world to point, in the whole course of a long and public life, at one instance of deception, at a single departure from truth."

We readily allow to Mr. Pickering all the eminence and correctness of character, which he and his friends can claim for him. His removal from office by Mr. Adams is only a proof that a great man may be denounced by another great man, *merely on suspicion of facts, which have no existence.*

It has been objected to this letter, that it was published and circulated in these northern States on the eve of our elections, in order to influence the votes of freemen ; but how can freemen vote without information ? If the disclosure, made by Mr. Pickering, is correct, the friends of the administration ought to lose all influence in these States.

Strong charges demand strong proofs, we will examine the charges of Mr. Pickering in their order.

1st. He states the communication of four documents by the President, which, *after being read in the Senate*, were referred to a committee, that two of them were returned to the President on his request, to be deposited among other *executive secrets*. These, says Mr. Pickering, ought, in form or substance, to have been made public. The President judged otherwise ; he had the high authority of President Washington, ‘ that the success of foreign negotiations often depends on secrecy ’ ; but no great secrecy could attach to papers, which had been read to both Houses of Congress.

As the Senate has the command of its own time, and as there is no proof that the President limited the Senate to *four hours* consideration, no blame can be imputed to him. An embargo, if laid at all, must be laid without the usual delays of congressional business : *even in the short time, while the measure was under consideration, many letters were issued and published, stating the business of the secret session and the probability of an embargo.*

Mr. Pickering says that “ the constitution, which requires the President to give to Congress information of the state of the union, certainly meant, not *partial*, but *complete* information on the subject of a communication, so far as he possessed it, and that his recommendations of measures should be bottomed on *information communicated*, not on *facts withheld* and locked up in the executive cabinet.—This is doubtless true, and it is as true that the constitution reposes this business in the discretion of the President, and subjects him to impeachment before the Senate for any breach of his constitutional trust.

But where do we find any proof of *facts withheld* and

locked up in the executive cabinet? Had Mr. Pickering testified this, great credit would be due to his testimony, but he infers it from the fact, that he and five others of the Senate did not judge the documents sufficient to justify the laying of an embargo, while 22 of the same body did judge them sufficient. *Minorities are always out-voted, never convinced.* To them the reasons of the majority generally appear weak, always inconclusive. In the highest council of the nation shall a single member arraign before his constituents the majority (including his colleague the Hon. John Q. Adams) on the heinous charge of having acted *under a blind confidence* in the executive, and shall this charge, *without any proof* convict the President of violating his oath of office, by withholding information, which the constitution required him to disclose?

Let the reader carefully examine Mr. Pickering's letter for *proof* of this great charge against the President, with which he connects every argument against the embargo. Mr. Pickering asks, "*why are these dispatches withheld by the executive? Are they so closely locked up, because they will not bear the light? Would their disclosure rouse the spirit of the people, still slumbering in blind confidence in the executive? Has the French Emperor required that our ports, like those of his vassal States in Europe, be shut against British commerce? Is the embargo a substitute, a milder form of compliance with that harsh demand, which, if exhibited in its naked and insulting aspect, the American spirit might yet resent?*"—These are questions, more alarming than "the portentous silence of the President"! THEY ARE FULL OF MEANING, but they contain not a particle of proof.

They shew indeed that Mr. Pickering has "no confidence in the wisdom or correctness of public measures," which is precisely the case with all men in all countries, who have belonged to minorities.

Mr. Pickering presumes that there must have been documents concealed, because enough were not produced to convince him. Will he therefore expect his constituents to believe, that *because he has produced no proofs*, he has proofs locked up, on which his constituents must rely, by

reason of their confidence in him? But rational men will not accept suspicions and questions in place of proofs.

The same charges were made on the floor of the House of Representatives, and this has been urged by some as an argument of their truth, but does a set of *unproved* charges support the same set of *unproved* charges made in another place? The charges were repelled on the same floor and the accuser was called on "to name a single individual, who had ever seen a document in possession of the executive, bearing on our relations with France, which the executive ought to have communicated, but had wilfully withheld—or to shew a particle of evidence that the proceedings of the government had flowed from a mandate of Napoleon or from the influence of any foreign potentate on earth—or that they had been actuated by any influence other than a sacred, solemn and honorable sense of duty, and with a view solely directed to promote the best interests, protect the inestimable rights and provide for the common defence of our common country."

The accuser was silent. No person offered a word of *proof* or of reply. But, says Mr. Pickering, "If the dispatches are really unimportant, what harm can arise from telling Congress and the nation *officially*, that they contain nothing of moment to the liberty, the honor or the interests of the United States?"—We reply, that if a man is capable of withholding dispatches, when his oath of office requires him to communicate them, if he is capable of confederating with the French Emperor to betray the United States; if he is capable of secretly contriving to involve his country in an *unnecessary and ruinous war*, then no confidence can be placed in his *official* assertions or denials.

Connected with the UNPROVED charge of secret dispatches is a course of distinct charges against the President, as having *artfully* inflamed the public mind by detaching 100,000 militia to aggravate the public resentment against Great Britain *to excite a war pulse*, and in the height of this *artificial* fever to renew our demands on that nation in the poor expectation of *extorting*, in that state of things, concessions of points, which *she* had always considered as

her rights. A short recurrence to ACTUAL FACTS will rescue the President from these unfounded suspicions.

On the 12th and 13th of February 1806, the following resolutions were passed in the Senate of the United States, *the honorable Mr. Pickering voting in favor of both of them, as appears by the journals.*

Resolved, That the capture and condemnation, under the orders of the British government, and adjudications of their courts of admiralty, of American vessels and their cargoes, on the pretext of their being employed in a trade with the enemies of Great Britain, prohibited in time of peace, is an unprovoked aggression upon the property of the citizens of these United States, a violation of their neutral rights, and an encroachment upon their national independence.

Resolved, That the President of the United States, be requested to “demand the restoration of the property of their citizens, captured and condemned on the pretext of its being employed in a trade with the enemies of Great Britain, prohibited in time of peace, and the indemnification of such American citizens, for their losses and damages sustained by these captures and condemnations; and to enter into such arrangements with the British government, on this and all other differences subsisting between the two nations, (and *particularly* respecting the impressment of *American seamen,*) as may be consistent with the honor and interests of the United States, and manifest their earnest desire to obtain for themselves and their citizens by amicable negotiation, that justice to which they are entitled.

The President endeavored to effect all this by amicable negotiation, but he never lost sight of that vital principle in our national union, which pledges our sovereignty for the protection of the lives and liberties of our citizens *on the sea* as well as on the land.

He made no cold comparison between 4000 American seamen in slavery and four millions of dollars to be gained by the carrying trade. He did not question the right of the British king to his own subjects. Mr. Madison's letter, before quoted, shews the real point in dispute.

By reason of the constant impressment of our seamen and the violations of our flag on the high seas, complaints against the British from every quarter and from men of both parties were addressed to the Secretary of State. The executive cabinet, *which locks up no secret mandates from the French Emperor,* contained the just mandates of public opinion, that our nation and commercial rights should no longer be violated.

Under the same just mandates, the President, (after the affair of the Chesapeake) issued his proclamation, prohibiting the entrance into our waters of British armed ships. The negotiation at London having failed, Mr. Rose was sent to our government, which "he apprised of his authority to offer reparation for the attack on the Chesapeake, *without specifying what that reparation would be ;* but required that, *previously to its being made,* the proclamation should be revoked. He was informed that if he would state the reparation and assurances he was empowered to make, and they should be considered by our government as satisfactory, they would be taken as a *pledge of amity*, and the act of reparation and revocation of the proclamation should bear equal date. This he declined doing and the negotiation was closed."

On the 22d of March the President communicated the following message

To the Senate and House of Representatives of the United States.

At the opening of the present session, I informed the legislature, that the measures that had been taken with the government of Great Britain for the settlement of our neutral and national rights, and of the conditions of commercial intercourse with that nation, had resulted in articles of a treaty, which could not be acceded to on our part ; that instructions had consequently been sent to our ministers there, to resume the negotiation, and to endeavor to obtain certain alterations, and that this was interrupted by the transaction which took place between the frigates Leopard and Chesapeake ; the call on that government for reparation of this wrong produced, as Congress have been already informed, the mission of a special minister to this country, and the occasion is now arrived, when the public interest permits and requires that the whole of these proceedings should be made known to you.

I therefore now communicate the instructions given to our minister resident at London, and his communications to that government on the subject of the Chesapeake, with the correspondence which has taken place here, between the Secretary of State and Mr. Rose, the special minister, charged with the adjustment of that difference ; the instructions to our ministers for the formation of a treaty ; their correspondence with the British commissioners, and with their own government on that subject ; the treaty itself, and written declaration of the British commissioners accompanying it ; and the instructions given by us for resuming the negotiation, with the proceedings and correspondence subsequent thereto. To these I have added a letter lately addressed to the Secretary of State from one of our late ministers, which, though not strictly written in an official character, I think it my duty to communicate, in order that his views of the proposed treaty, and of its several articles, may be fairly presented and understood.

Although I have heretofore, and from time to time, made such communications to congress as to keep them possessed of a general and just view of the proceedings and dispositions of the government of France towards this country, yet in our present critical situation, when we find that no conduct on our part, however impartial and friendly, has been sufficient to ensure, from either belligerents, a just respect for our rights, I am desirous that nothing shall be omitted on my part which may add to your information on this subject, or contribute to the correctness of the views which should be formed. The papers which for these reasons I now lay before you, embrace all the communications, official or verbal, from the French government, respecting the general relations between the two countries, which have been transmitted through our minister there, or through any other accredited channel, since the last session of congress, to which time, all information of the same kind had, from time to time, been given them. Some of these papers have already been submitted to congress; but it is thought better to offer them again, in order that the chain of communications, of which they make a part, may be presented unbroken.

When, on the 26th February, I communicated to both houses the letter of General Armstrong to M. Champagny, I desired it might not be published, because of the tendency of that practice to restrain injuriously the freedom of our foreign correspondence. But perceiving that this caution, proceeding purely from a regard to the public good, has furnished occasion for disseminating unfounded suspicions and insinuations, I am induced to believe that the good which will now result from its publication, by confirming the confidence and union of our fellow citizens, will more than countervail the ordinary objection to such publication. It is my wish therefore that it may be now published.

TH : JEFFERSON.

March 22, 1808.

All the documents on this subject are submitted to Congress and will be published for the information of constituents.—These will shew that the President has labored to comply with the resolutions of the Senate; that our dispute with England is not a spark, which the President has been blowing into a flame, that he has sought for PEACE and free commerce, and that the EMBARGO was the only measure, which gave you any chance of avoiding *an unnecessary and ruinous war*.

The charges, which we have examined, are not only unsupported by *proof*, but they are opposed to every human probability.

If the accuser, (Mr. Pickering) is eminent in office, the principal accused, (Mr. Jefferson) is still more eminent. In addition to the rank of first Secretary of State under President Washington, he has been Vice-President and is now

closing the second and last term of his Presidential office, to which he was appointed by more than 11-12ths of the electoral votes in the United States.—Fifteen of the seventeen States are in favor of his administration. He has been so distinguished a friend of PEACE AND HONEST FRIENDSHIP WITH ALL NATIONS, that he has even been called a *pusillanimous* President, he preferred the purchase of Louisiana with money to the purchase of it with blood.

Never till this has he been charged with a thirst for carnage. Is it possible that he can now have a wish to hazard a dear-earnt popularity on a ruinous war?

Mr. Madison, being a candidate for the next Presidency, would not hazard his popularity on an *unnecessary* embargo.

Mr. Gallatin must certainly be against any wanton obstacle to the continuance of the revenue, and the Secretaries of war and of the navy can have no ambition to increase the burdens and responsibility of their offices.—The majorities in Congress must have every wish, that their constituents may continue to be prosperous and happy.

None of these men wish for WAR; they know it to be the greatest calamity, which can befall a nation. The embargo was laid as a measure of *peace*. Had the ministers of France or of England considered it a war measure, they would have remonstrated against it, but this has not been done. Mr. Rose offered no objection to it. In the English papers and parliamentary debates, our embargo is treated as a *pacific* measure.

All our country is *suffering* by reason of this measure; a small part only are *complaining*. We could not expect that through all ages every gale should be blowing in ship loads of wealth at the expence of the belligerent powers. The same contests, which once yielded us wealth, now offer us nothing but hazards and chances of loss. If a long course of prosperity has so prostrated our political principles and our pride of independence and has so effeminated us, that we cannot bear a short suspension of luxuries and profits, then it is high time that *necessity* should excite our former energies.—No friend to his country will advise us to join *either side* of the desperate combatants of Europe.

When men are pre-disposed to believe unfavorably of the administration, strong charges are sufficient for their purpose : they never wait for *proofs*. To such the story of 60 tons of precious silver, exported to France, or the equally *false report* of Bonaparte's declaring that he would have no neutrals, passes for revelation.—Strong charges may answer the purpose of an election, but if not supported by strong proofs, such is the intelligence and integrity of the common people, that the party, which gains once by *unproved* charges, is soon lost beyond redemption.

In presenting to you the letter of Mr. Pickering, connected with this reply, we have an object, unconnected with the approaching election and wholly distinct from the vindication of the President or the justification of the embargo.

The federal leaders in our country have been charged with hostility to our constitution and to our national union. This charge has been denied. The letter under consideration, which has been circulated by these leaders through the northern States, furnishes conclusive proof against them.

Mr. Pickering is a *federalist* of the highest tone and one of the first characters of that party. He is not a *republican*, as he is represented in his letter, but is severely hostile to what is called republicanism by 11-12ths of the people of the United States. He was appointed a Senator, when the governor and legislature of Massachusetts were *federal* ; he is now no more the representative of the *republican* governor and legislature of that State than Mr. Rose is : they neither wished nor expected information from him.

Mr. P. has a right to be a federalist and to believe that his statement of high crimes against our government, at this alarming crisis, would be acceptable to governor Sullivan and the legislature,—but his statement was in fact an appeal from a minority of the Senate to a minority in the State of Massachusetts.

He tells this minority that the President of the United States is guilty of *perjury*, having violated his oath of office by withholding information, which the constitution required him to produce,—that the President is a *traitor*, having, under the secret mandates of Napoleon, betrayed

his country,—that the President is an enemy to the people, having contrived, in concert with the *southern* enemies of commerce, to have our ships perish in our harbors, our 60,000 seamen and fishermen to be beggared, our hundreds of thousands of farmers to be compelled to have their surplus produce perish on their hands, “that he, the President, may make an experiment on our patience and fortitude and on the towering pride and boundless ambition of the conqueror of France.”

He tells this *minority* that the *majority* are acting under a *blind* confidence in the executive, that the distresses of the embargo are not produced by the condition of the powers of Europe, but are chargeable entirely to the wicked designs of our own rulers.

Where is the constitution of the United States, which guarantees to the President a right of trial by impeachment before the Senate, provided any official misconduct is charged on him? Are 22 of the Senate so depraved, that it becomes necessary to erect a high court of national jurisdiction in the county of Essex?

We were told, while Mr. Adams was President and Mr. Pickering Secretary of State, that majorities must govern, minorities must submit. In that day imprisonment and fine awaited the man, who defamed the President and the Congress, and severely denounced were those, who attempted to separate the people from the government.—We live in a world where men change, but truth never changes.

If you believe in Mr. Pickering's letter, you will not stay at home to VOTE, but you will arm and advance to the city of Washington, there you will place him at your head as protector of the commonwealth, you will drive from office the great betrayer of his country, and from their seats the 22 Senators and 82 Representatives, who voted for an embargo, you will then over-run the southern States, which place “a blind confidence in the executive;” you will then select from the minority an executive, in whom no confidence can be placed: the embargo act will be at an end and you may send out your vessels—but to what port or place on the globe, without molestation, no man, except Mr. Pickering can tell.

At the instant of leaving your harbors an English midshipman may impress your men and leave your millions of property to the elements, or if this should not happen, you may have the honor to be condemned under some of the British or French decrees against neutral commerce.—You will then have a NAVY, to be supported by the blood, the sweat and the misery of millions. *No nation can be federally respectable and really a curse to herself and to all the other nations on the globe without a navy* :—you can then form an alliance, offensive and defensive with England, the only argument against which is, that England has ruined every nation, which has placed any reliance on her power or her promises.

But this argument, is met by Mr. Pickering with a most *federal* and feeling declaration, that England is contending for the liberties of the world, and that without her aid we shall be colonies of France. This he has learnt from *advocates of executive measures !!!—whose names he prudently forgets to remember.*

England contended for our liberties from 1775 to 1783. She was then taught, as she now is, that her friends in this country formed the most numerous party. The people were then told, as they now are, that it was a mere *trifle* about which they would contend, only a small duty on tea and stamps, which they ought not to dispute. Then, as now, the British were pouring troops into Canada :—then, as now, Sir John Johnson was preparing the indian savages to contend for our liberties on the frontiers ;—then, as now, legislative *minorities* professed to be in the *dark* and to call the majorities *traitors* and *rebels*.—Then, as now, the people were told, that their vessels would be useless, their seamen be beggared and their surplus produce perish on their hands.

The declaration of independence, penned by Mr. Jefferson, enumerated other grievances than the trifling tax on tea and stamps.—If you have a war with England, it will be excited by a belief on their part, that they have more friends than enemies in the United States ;—that their friends are the great men, the rich merchants, the eloquent statesmen, the natural aristocracy, *the best blood of*

the nation and that these, with the aid of *editors in their pay*, must be able to bear down before them the body of the people.—This very letter of Mr. Pickering, which has been so diligently circulated by the enemies of our republican institutions, will be republished in England with great applause, as shewing the sentiments of the intelligent part of the American Senate. In England they will rejoice that your Senate can be safely denounced in the language of Mr. Pickering. If you shall have a war with England, the same hand, which penned the first declaration of independence, will pen a second. Then the executive cabinet, which locks up proofs of British spoliations and British impressments, will be opened, and you will learn that the point in issue is the sovereignty of the United States.

It is infinitely desirable that we should avoid a war with all nations. The *embargo* is the only preventative. If the season, while you are trying the efficacy of this, is to be improved by agitating your minds in favor of the British against your own government; if northern and southern interests are to be arrayed against each other;—if all your privations are to be charged on the *treachery* of your executive and the *blind* confidence of Congress,—and if you believe these things, you will assuredly have a civil war; your constitution will become a dead letter and the union of the states will be dissolved.

The CONSTITUTION and the NATIONAL UNION were favorite themes in the parting address of President Washington. Let those, who *call themselves his disciples*, learn from him that “ALL OBSTRUCTIONS TO THE EXECUTION OF THE LAWS: ALL COMBINATIONS AND ASSOCIATIONS, UNDER WHATEVER PLAUSIBLE CHARACTER, WITH THE REAL DESIGN TO DIRECT, CONTROUL, COUNTERACT OR AWE THE REGULAR DELIBERATION AND ACTION OF THE CONSTITUTED AUTHORITIES, ARE DESTRUCTIVE OF THE FUNDAMENTAL PRINCIPLE AND OF FATAL TENDENCY. THEY SERVE TO ORGANIZE FACTION, TO GIVE IT AN ARTIFICIAL AND EXTRAORDINARY FORCE, TO PUT IN THE PLACE OF THE DELEGATED WILL OF THE NATION, THE WILL OF A PARTY, OFTEN A SMALL, BUT ARTFUL AND ENTERPRIZING MINORITY OF THE COMMUNITY.”

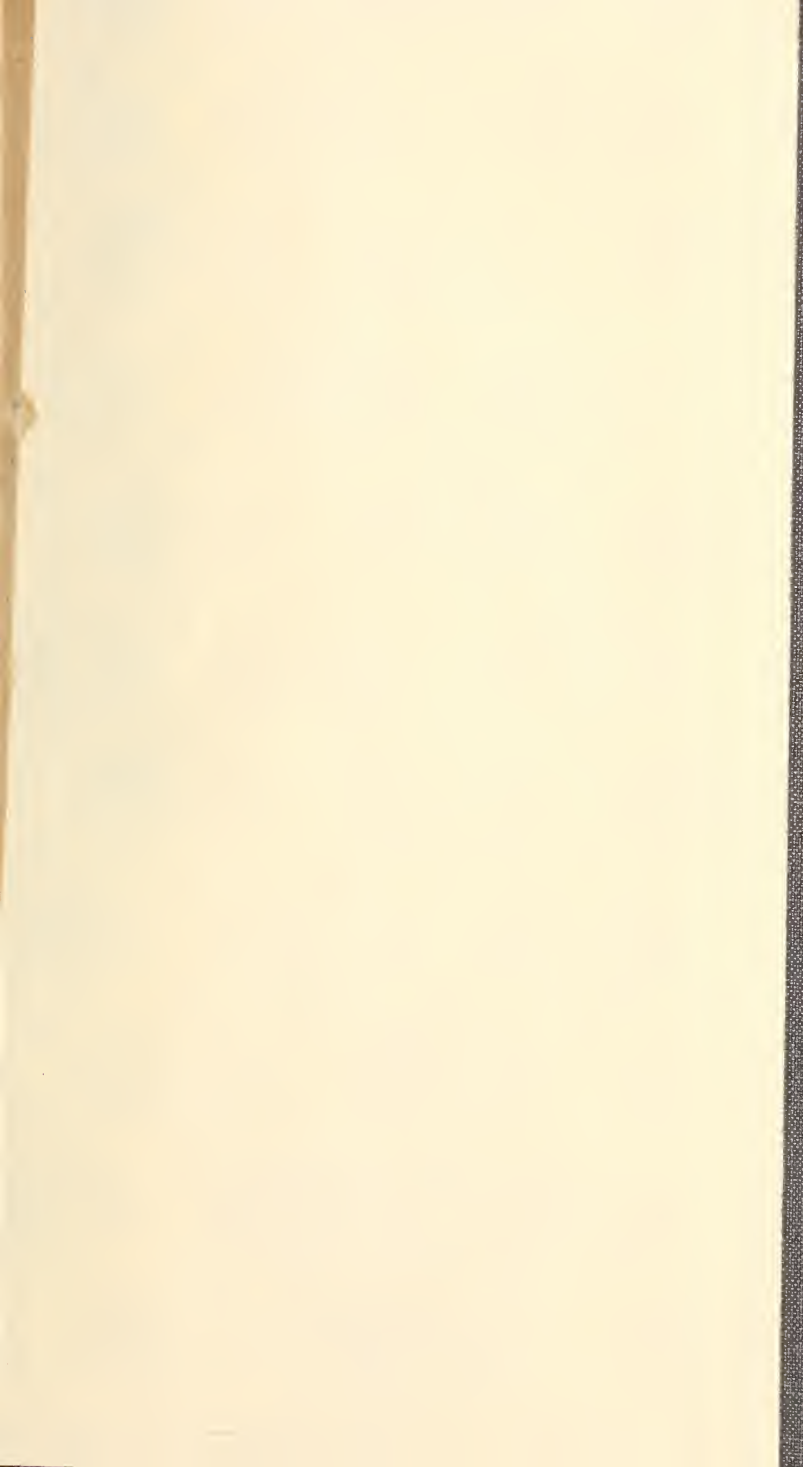
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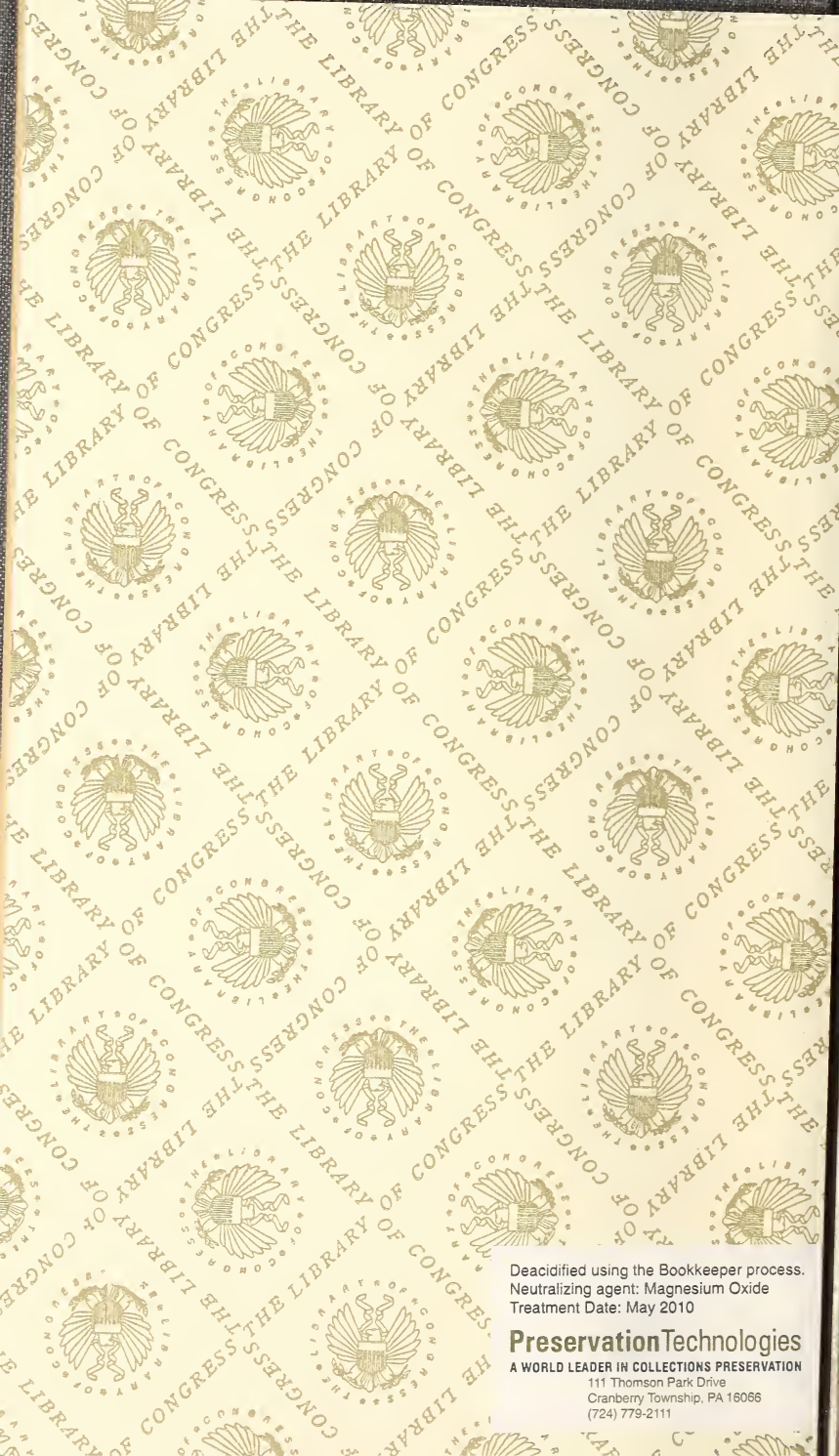
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*Mr. Pickering's Letter and the preceding Remarks on it
may be had, together or separate, at the Post-Office.
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